

REMARKS

By this Response, claims 1-3, 5-7 and 9-21 are amended. Claims 4 and 8 remain in the application. Thus, claims 1-21 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The Applicants note that an Information Disclosure Statement and Form PTO-1449, together with the reference cited therein and its English language abstract, were filed in the present application on September 16, 2005, which was after the mailing date of the Office Action. The Examiner thus did not have an opportunity to consider the reference listed on the September 16, 2005 Form PTO-1449 when issuing the present Office Action. Accordingly, the Applicants respectfully request the Examiner to consider the reference listed on the September 16, 2005 Form PTO-1449 and to return an Examiner-initialed copy of the September 16, 2005 Form PTO-1449 to indicate consideration of the reference listed thereon.

In item 2 on page 2 of the Office Action, the paragraph “[0062]” of the specification was objected to for the identified informalities. Initially, the Applicants note that the sentence identified in item 2 is not contained in paragraph [0062] of the specification. Instead, the sentence identified in item 2 is contained in paragraph [0047] of the specification.

Paragraph [0047] of the specification has been amended to describe “The application executing apparatus 2 reads an application program from a memory, and the read application program is executed by the CPU,” as kindly suggested by the Examiner. In view of the revision to paragraph [0047], the Applicants respectfully request the Examiner to withdraw the objection to the specification.

The Applicants thank the Examiner for kindly indicating that claims 1-19 are allowed in item 4 on page 3 of the Office Action.

Minor editorial revisions have been made to claims 1-3, 5-7 and 9-19 in order to improve their U.S. form. The revisions to claims 1-3, 5-7 and 9-19 do not narrow or broaden the scope of protection of claims 1-19 for the present invention. Accordingly, the Applicants respectfully submit that claims 1-3, 5-7 and 9-19, as amended, are still clearly in condition for allowance.

In item 3 on pages 2-3, claims 20-21 were rejected under 35 U.S.C. § 101 for being directed to non-statutory intangible embodiments. Claims 20-21 have each been amended as kindly suggested by the Examiner on page 3 of the Office Action. In particular, claims 20-21 were each amended to recite the program(s) as being “stored in a memory.” In view of the amendments to claims 20-21, the Applicants respectfully request the Examiner to withdraw the rejection of claims 20-21 under 35 U.S.C. § 101.

Furthermore, claims 20-21 were each amended to remove the term “steps” in order to avoid a possible construction of these claims under 35 U.S.C. § 112, sixth paragraph.

The Applicants note that the Ex Parte Quayle Action closed prosecution on the merits. Nonetheless, the Applicants submit that claims 20-21, as amended, are still clearly in condition for allowance for at least the reasons identified by the Examiner in item 5 on pages 3-4 of the Office Action.

If the Examiner objects to the deletion of the terms “steps” in claims 20-21 in view of the Ex Parte Quayle Action closing prosecution on the merits, the Applicants respectfully request entry of this amendment in view of the following remarks.

An Ex Parte Quayle Action can be issued “after all claims in an application have been allowed” even though formal objections remain which preclude fully closing prosecution in the application (see MPEP 714.14). As noted above, claims 20-21 were rejected under 35 U.S.C. § 101. Therefore, all claims of the present application were not allowed prior to the issuance of the Ex Parte Quayle Action.

Accordingly, the Applicants respectfully submit that they are entitled to entry of all amendments to claims 20-21, as well as the minor editorial revisions to claims 1-3, 5-7 and 9-19, even after issuance of the present Office Action since an Ex Parte Quayle Action closing prosecution on the merits was issued before allowance of all claims of the application.

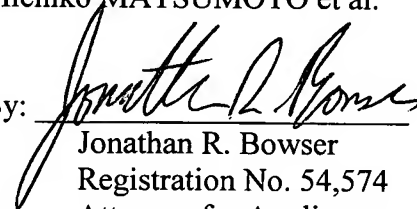
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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October 25, 2005